

Remarks

Claims 1-29, 35-36, and 46-47 were pending in the application. Claims 48-52 were added. No claims were cancelled. Therefore, claims 1-29, 35-36, and 46-52 are now pending.

Applicants thank the examiner for indicating the allowability of claims 3, 5-12, 17, 19-29, 35, 26, 46 and 47.

Support for the amendment to claim 1 can be found throughout the application, for example on page 2, lines 3-5.

Support for the new claims can be found throughout the application, for example:

Claim 48: page 18, lines 5-10; page 25, lines 10-13.

Claims 49-50: page 4, lines 3-4 and 11-12; page 5, lines 19-21; and page 13, lines 33-35.

Claim 51: claim 8; page 4, lines 5-7; and page 16, lines 12-14.

Claim 52: page 18, lines 17-18.

The specification was amended to include reference to sequence identifiers.

Telephone Interview Summary

Applicants thank Examiner Strzelecka and her supervisor Examiner Fredman for the courtesy of a telephone interview on January 11, 2005 with Applicants' representative Sheree Lynn Rybak, Ph.D..

During this interview, the 35 U.S.C. § 102(b) rejection was discussed. The examiners noted that their concern was the language in Allen and Benkovic (*Biochem.* 28:9586-93, 1989) on page 9588, second full paragraph. The Examiners stated that amending claim 1 to clarify that the "mixture of nucleotides" were "different" nucleotides would overcome the rejection. Although Applicants' representative disagrees that Allen and Benkovic anticipate claim 1, Applicants' representative agreed to such an amendment, since it is Applicants' position that the

claim already has this meaning, as the phrase “mixture of nucleotides” indicates that the mixture includes more than one type of nucleotide.

The species election was also discussed. The Examiners agreed to re-join all species in the claim group elected. Therefore, claims 13-16 and 18 will now be considered in the application.

Election

Applicants request that claims 13-16 and 18 be examined in this application, in view of the allowability of claim 1.

Sequence Listing

A sequence listing including the sequences shown on page 27 is enclosed.

35 U.S.C. § 102(b)

Claims 1, 2 and 4 were rejected as anticipated by Allen and Benkovic (*Biochem.* 28:9586-93, 1989). Applicants respectfully disagree and request reconsideration.

Although it is Applicants position that claims 1, 2, and 4 are not anticipated by Allen and Benkovic, in order to expedite prosecution claim 1 has been amended to merely clarify that the “mixture of nucleotides” is a mixture of “different” nucleotides. It is Applicants’ position that the claim already had this meaning, as the phrase “mixture of nucleotides” indicates that the mixture includes more than one type of nucleotide. In view of this amendment, Applicants request that the 35 U.S.C. § 102(b) rejection be withdrawn.

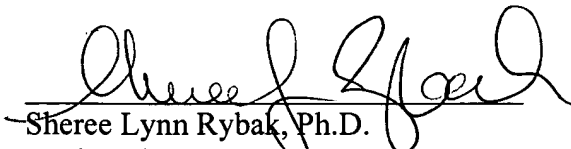
No new matter is added by this amendment, and no amendments were made to distinguish prior art.

If any minor issues remain before a Notice of Allowance is issued, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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By


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